

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

ePLUS, INC.,	:	
	:	
Plaintiff,	:	
v.	:	Civil Action
	:	No. 3:09CV620
LAWSON SOFTWARE, INC.,	:	
	:	January 6, 2011
Defendant.	:	

COMPLETE TRANSCRIPT OF **JURY TRIAL**  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE, AND A JURY

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568

1 program and gives it a search query or initiates a  
2 search using a characteristic of a drop down menu.  
3 And the search engine then engages and returns items  
4 that match the query.

5 Q Did you examine a Lawson software program that  
6 permits a user of a Lawson system to perform that  
7 functionality?

8 A Yes, the requisitioning system does that.

9 Q You have building a requisition icon here. Do you  
10 see that?

11 A Yes.

12 Q Please explain what you're intending to illustrate  
13 there?

14 A So in the Lawson system you build a shopping cart,  
15 then you add and delete items from it until you're  
16 satisfied with it. And then you do a checkout from  
17 the Lawson system. And that engages the requisition  
18 system and builds the requisition of all the items  
19 that you want to order.

20 Q Are you familiar with the term "a shopping cart"?

21 A Yes.

22 Q Is that consistent with your understanding of  
23 building a requisition?

24 A Well, it's not the requisition. It's the data  
25 structure that can be modified. You can add and

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569

1 delete to it. So in computer terminology, we call  
2 this a cache, a C-A-C-H-E. So it's a data structure  
3 that holds data, and then it's going to be transferred  
4 to the requisition module, and it's in the requisition  
5 module that the requisition is created.

6 Q All right. Thank you for that correction. So is  
7 it consistent with an order list?

8 A The order list is the shopping cart and that's  
9 what becomes the requisition.

10 Q Did the Court define what an order list is in its  
11 glossary of claim terms?

12 A Yes. A list of desired catalog items.

13 Q Did you apply that construction in doing your  
14 infringement analysis?

15 A Absolutely.

16 Q Next you have an icon for generating purchase  
17 orders. Do you see that as part of the overview of  
18 the Lawson procurement system?

19 A Yes.

20 Q Can you explain that process here?

21 A So we've got our requisition. This is our formal  
22 list of the things we want to buy. It might have one  
23 item. It might have a hundred items. The items might  
24 be from one vendor or they might be from 100 vendors.  
25 Whatever that requisition says, the purchase order

1       for ePlus?

2       A     Yeah. We could say out of the box, the box being the  
3           laptop.

4       Q     One being with the additional data that Lawson assisted  
5           ePlus's counsel in loading; is that right?

6       A     That's correct.

7       Q     The first demonstration you have, what do you want to  
8           illustrate?

9       A     I want to illustrate the category search in which we can  
10          find generally equivalent items and then we can find other  
11          items and build a requisition, and then we can build one or  
12          more purchase orders from that requisition.

13      Q     Okay. And did you direct the preparation of this  
14          demonstration?

15      A     Yes, I did.

16      Q     All right. If we can, before we do that, just so we can  
17          orient the jury as to what they're going to see, can we see  
18          claim three and claim 28 side by side on the screen?

19           Now, both these claims, claim three being the system claim  
20          and claim 28 being a method claim, has this element concerning  
21          converting data relating to a selected matching item and  
22          associated source to data relating to an item in a different  
23          source; do you see that?

24      A     Yes. That's the sixth element.

25      Q     The Judge has construed both these claim terms; correct?

1 A Yes.

2 Q And I'm not going to go through it again because we read  
3 them at one point, but the jury has them in their glossary.  
4 And, of course, all the other elements need to be there as  
5 well. Are we going to be seeing, as we walk through this  
6 demonstration, the existence of these other elements that you  
7 described?

8 A Yes.

9 Q Why don't you go ahead.

10 A All right. So Mike is going to play this movie, and  
11 you'll see there are some waits involved in here, but that's  
12 just because it's recording exactly what was seen.

13 Q Stop here for a second and let me ask you a question here.  
14 There's a box in the lower right-hand corner. Is that part of  
15 the Lawson system or not part of the Lawson system?

16 A That was part of the system provided, and it's part of the  
17 realtime capturing software, so you can -- what's showing --  
18 can you see this? So what you are seeing right now is a clock  
19 that says we're 12.4 seconds into the movie, and then there's a  
20 button that if you were on the real laptop, you could click it  
21 and it would toggle from pause to play to pause to play. We've  
22 chosen just to let it play.

23 Q If we wanted to --

24 MR. McDONALD: Your Honor, could I get a  
25 clarification on which exhibit, and is there a paper version of

1       this one so we know what you are using?

2           MR. ROBERTSON: It's going to be Plaintiff's  
3       Exhibit 376 is the video, and Plaintiff's Exhibit 374 would be  
4       the hard copy paper capture of the screen shots.

5       Q      So we're clear, this is like the video playback? We can  
6       do the stop, forward, reverse by using these tools if we need  
7       to go back at any time?

8       A      Well, these tools are for the original capture. Mike and  
9       I are going to do it manually. I'm going to say stop and  
10      continue and probably say go back.

11      Q      We may have to go back because it moves quickly sometimes?

12      A      Sometimes it's too quick, and sometimes it's too slow.  
13      Right now we're going to start with a go back, so go back to  
14      the beginning.

15           All right, so as the laptop screen exists, first I'm going  
16      to bring up the browser. I'm going to use Internet Explorer,  
17      so here we go. Stop. Now, again, I'm just going to tell you,  
18      you're going to see some times when not much is happening, but  
19      this is just a true-to-life recording of exactly what was on  
20      the screen at the time.

21           Okay, so in your ordinary Internet Explorer browser, I've  
22      clicked on the favorites tab, and one of the favorites that  
23      I've saved is the Lawson portal.

24      Q      Is this an example of the drop-down menu you were talking  
25      about earlier?

1       A     Sure. Exactly. So I'm going to go down and click on  
2     Lawson portal. Continue. Now, this is one of those waits.  
3     Okay. We get to the Lawson log-in screen. So we put in the  
4     user name and password and then click on log in. This will be  
5     one of those longer waits. You can see the time clicking away  
6     in the bottom right-hand corner.

7              Stop. So now we are at the Lawson home page, and if you  
8     are familiar with browsers, you see up here, there is the URL  
9     that we're using. LSF server, that's Lawson server foundation,  
10    that's what we talked about before. Server.corpnet.lawson.com.  
11    So we're looking at the portal.

12      Q     All right, you used the term URL. Can you explain to the  
13    jurors what you mean by that?

14      A     Falling back into my vernacular. Universal resource  
15    locator, so commonly called a web address. Okay, so we can  
16    continue. Top. Stop. That was stop, not top. Here's another  
17    one of those drop-down menus. So on the left-hand side, I have  
18    a menu. One of the top level choices was requisition self  
19    service. So I'm going into the RSS module, and I'm picking one  
20    of the activities that is there. This is one of the  
21    capabilities. All right, so I'm going to click on the shopping  
22    selection. Continue.

23              Stop. So, now we come to the shopping screen. Again, if  
24    you look up here at the top, you will see there are some  
25    choices that can be made. These are, again, top levels of what

1 will be drop-down menus. I'm going to go click on this  
2 find/shop, and that's going to give me additional choices.  
3 Continue.

4 Stop. So here are the choices. I can search the  
5 catalogs, I can do a Punchout. I'm going to do that later.  
6 Down there at the bottom is categories. So I'm going to go  
7 down and click on categories, because I want to do a category  
8 search. Continue.

9 Stop. Now, remember with the UNSPSC codes, we said that  
10 there were four levels: Segment, family, class, and commodity.  
11 So what is showing here in the category tab, the category  
12 window, is the first three of a small set of these top level  
13 categories, these segment categories. So, remember, there  
14 could have been a hundred of them, 00 to 99, but here, for  
15 clarity, everyone exchanges those digits for names so that they  
16 have -- they make sense to humans.

17 So my top choice there, live plant and animal material and  
18 accessories and supplies, that's one of the segment codes.  
19 Now, I don't know what code it is, 23, 99, I don't know. It  
20 doesn't matter. It is representative of what is in this very  
21 broad segment. So I'm going to scroll down and show you the  
22 others, and then I'm going to come back and pick one in the  
23 middle. Continue. See, we only had about six there. Stop.

24 Q Let me ask you a question about that then. There are only  
25 six here to illustrate the functionality of it. Does the

1       Lawson requisition self service you are using here have the  
2       capability to have more?

3       A      Absolutely.

4       Q      How many could it have?

5       A      It could be a hundred different segments. Each of those  
6       segments could have a hundred families. They could each have a  
7       hundred classes. They could each have a hundred commodities.

8       Q      I noticed you clicked on one of these segments?

9       A      The one I clicked there in the middle is communications  
10      and computer equipment and peripherals and components and  
11      supplies. So you can see how broad a category that segment  
12      name represents. So what we're going to do now is drill down  
13      to become finer-grained.

14           So having clicked on that top level segment -- continue --  
15      stop. So underneath the segment is the family. Now, here we  
16      show that there's very little data in the system we were  
17      provided. Whereas there could be a hundred different family  
18      names, there's only one. So due to the paucity of data here,  
19      I'm going to click the only possibility I've got.

20           All right, so I've done the segment. This is the family.  
21      I'm going to click on the family name, hardware and  
22      accessories. Continue.

23           Stop. So now we're down to the class. There could have  
24      been a hundred classes, but, again, because there's so little  
25      data here, there's only two. So as I look at the class, I have

1       a choice of computers or monitors and displays. So I'm going  
2       to go for computers. Continue.

3           Stop. Now I'm down to the commodity level. The  
4       commodities, there should be a lot of them, but because of the  
5       paucity of data here, we have only one commodity category,  
6       notebook computers. So I'll click the only choice I've got,  
7       and then that will list the actual item data that is underneath  
8       the notebook computers commodity code. Continue.

9           Stop. So now we see all of the items in the database that  
10      have the UNSPSC code for notebook computers, and there's only  
11      two, okay? Small database.

12     Q     So I understand, for the segments, there could have been  
13      thousands, for families there have been --

14     A     Hundreds.

15     Q     Hundreds. What is the next level?

16     A     So you start with segment.

17     Q     Class?

18     A     Could be a hundred. Then family -- each of those segments  
19      could have a hundred, and then each of those families could  
20      have a hundred classes, and each of the classes could have a  
21      hundred commodities.

22     Q     Those commodities, you could have thousands of items?

23     A     Right. Once you get down to the commodity level, you have  
24      unlimited number of items that map to that code. Here we have  
25      two. Okay, it's going to do the job, though.

1           All right, so I'm going to look at these two computers.  
2 You can see the first line item there is an IBM ThinkPad, and  
3 it has an item number of 6001. The one below it is a Dell  
4 Inspiron 8000. It has an item number of 6020. So I'm going to  
5 go click on the item number, and that's going to get us a  
6 description of this item.

7 Q       Before you do that, Doctor, does it have unit measure  
8 category?

9 A       Right. Under UOM, you see each.

10 Q       Does it have cost information?

11 A       Under cost, the ThinkPad is 2,500. The Dell is 2,000.

12 Q       Does it have description of the item?

13 A       It has a description, IBM ThinkPad T20 or Dell Inspiron  
14 8000 with Intel Pentium processors.

15 Q       You indicated it had an item number?

16 A       There is an item number.

17 Q       And it even provides for the Intel Pentium or the Dell  
18 Inspiron, the manufacturer?

19 A       I just covered up the description. Yeah. So not only do  
20 we have in this case the name of the computer, Dell Inspiron  
21 8000, we also have a little more descriptive information, that  
22 it's an Intel Pentium III processor.

23           Okay. We'll continue. Oh, and stop. I should also note  
24 while we're here that over here is the Dell shopping cart, and  
25 it's obviously empty. It's supposed to be empty --

1       Q     I think you misspoke. I think you said the Dell shopping  
2     cart.

3       A     I misspoke. This is the Lawson shopping cart right here  
4     where it says my cart. And so as I select items, they will  
5     show up in the shopping cart, but we'll see that. All right,  
6     so now I'm READY to drill down on the ThinkPad. Continue.

7                 So I click on that item number. Stop. And this retrieves  
8     the data in the item master and vendor item table database and  
9     tells me about the item. So we have an item number, we have a  
10    description, a unit of measure, a cost.

11               We have a source vendor ID, 118, and a source vendor name,  
12    Office Max. So from observing this information that is  
13    produced, I know that this IBM ThinkPad has a vendor source of  
14    Office Max.

15       Q     Let me stop and ask a question, Doctor. There's a box  
16    there that says image not available. Does this RSS application  
17    have the ability to load images of the items offered for sale?

18       A     It does, and the documentation encourages one to do so.

19               But, again, because of the paucity of data, we didn't have any  
20    item images in the data we were given.

21       Q     This is how it was provided to us; it could have been  
22    provided with an image, because the software permits you to do  
23    that?

24       A     Right. It could have been chock-full of images, but it  
25    wasn't. Okay, so I'm going to scroll down and up so you see

1       all of the information that was presented to me as the user of  
2       the RSS system, and then we'll go back and look at the other  
3       Dell computer. So continue. So now I'm going to add that to  
4       the cart.

5                 Stop. So here in the Lawson shopping cart, I have my IBM  
6       ThinkPad T20, item number 6001; quantity, one; unit of measure,  
7       each; cost, \$2,500. So I'm going to park this item in the  
8       shopping cart, but then I'm going to go back and look at the  
9       equivalent items, equivalent in that they had the same UNSPSC  
10      code.

11               All right, so we'll continue, and I'll click on this back  
12      button over here. So here -- stop. Here is that second line  
13      item as we saw before, the Dell Inspiron. So I'm clicking on  
14      its item number, and we'll drill down on that and see what  
15      information is provided there. Continue.

16               Stop. So similarly to what we saw before, this is the  
17      other machine. It's an item -- I wiped it out. Item 6020, a  
18      Dell Inspiron 8000 with Pentium III processor, a unit of  
19      measure each, and a cost of 2,000. But it has a source vendor,  
20      ID code of 124, and a source vendor name of Diablo.

21               So the first computer, the ThinkPad was coming from the  
22      Office Max catalog. This is coming from the Diablo catalog.  
23      So I stare at that, and I think which of these machines is a  
24      better choice for me. I'm cheap, so I'm going to go with this  
25      one. So I will add this one to the shopping cart, Lawson

1 shopping cart, and delete the other one. So continue.

2       Okay, now stop. So now I have both notebook computers in  
3 the Lawson shopping cart, and I'm going to go up here to this X  
4 and delete the ThinkPad. Continue.

5       And like all good software, it asks me, do you really want  
6 to delete that, and I say, yes. Okay. Stop. So at this  
7 point, I have done the UNSPSC code, found two generally  
8 equivalent notebook computers, chose one, added it to the  
9 shopping cart, added the other one to the shopping cart,  
10 deleted the first one.

11       So I've been able to convert one item from one source, the  
12 ThinkPad from Office Max, into an equivalent item from another  
13 source, the Dell Inspiron here, and having done that, I'm now  
14 going to go back and pick another category and find another  
15 item to add so that I'll have multiple items in my shopping  
16 cart.

17       Okay, so I'm backed out -- because I did that drop-down  
18 menu to categories, I'm back at the highest level, the segment  
19 level. So continue. Scroll down. Stop. So this time my  
20 segment level is laboratory and measuring and observing and  
21 testing equipment. Continue. Stop. My family, again, there's  
22 only two here, laboratory and scientific equipment, or  
23 measuring or observing, or testing instruments and accessories.  
24 Continue.

25       So I pick at my family, laboratory and scientific

1 equipment. Stop. Oh, I might also note that the hierarchy  
2 tree is being kept for me up here at the top. Here's my  
3 segment level, here's my family level. As soon as I click here  
4 on my class level, it will appear here and so on.

5 All right, so I'm about to click on laboratory,  
6 environmental conditioning equipment for my third category.  
7 Continue.

8 Stop. Okay, now, again, we're down to commodities. There  
9 could be a hundred of these, but there's not. There's just  
10 one. There's one commodity called glove boxes. So when I  
11 click on this, I will see all the items in the item master  
12 database and the vendor item table that have been encoded with  
13 the UNSPSC code for glove boxes. Continue.

14 Stop. Once again, the database is small, so there's only  
15 two entries under the commodity heading. Both of these are  
16 boxes of sterile surgical gloves, so I'm going to pick one and  
17 add that to my Lawson shopping cart. Continue. I'm going to  
18 look at it first. Smart shopper.

19 Stop. All right. So I just did a drill-down as I did  
20 with the computers. So you see we have an item number, 1036,  
21 we have a description, gloves, sterile surgical, size seven. A  
22 unit of measure. Here it's case, cost, 400 bucks, source  
23 vendor. The ID number is 117, and the source vendor name is  
24 Baxter Healthcare.

25 Continue. So scroll down and back up, and add that to my

1 shopping cart. So here it is, gloves at the top, Dell computer  
2 at the bottom. Now stop. I have finished shopping, so I have  
3 the information from the database now in the shopping cart. My  
4 next goal is to create a requisition. Then I'll need to get  
5 that approved, and then I'll need to get that turned into  
6 purchase orders.

7 So since the gloves and the Dell came from different  
8 vendors, I will need two POs, one to each of those vendors, so  
9 I'm going to click on checkout. Continue. All right, saved.

10 Stop. So it gives it a number, 911. So when I come into  
11 this system next, I'm going to come in as a manager, and I'm  
12 going to look for this order 911 that is existing in the  
13 system. I'm going to find it among all other orders, and then  
14 I'm going to get it approved. All right, continue. Status  
15 needs approval.

16 All right, back to the portal home page, and now I'm going  
17 to come in as a manager. Here are some requisitions, but 911  
18 is not among them. Stop. Here is the requisition 911, and  
19 that's the one I need to have approved. Continue.

20 Stop. So here we pull up the requisition, you see right  
21 there, and we have the two line items, the Dell Inspiron and  
22 the case of gloves. So I've logged in now as the manager when  
23 I clicked on manager, and so here are the actions I can take:  
24 Approve, reject, or unrelease, so I'm going to approve these.  
25 Continue.

1               Okay, approve, approve action to be taken. Okay. Work  
2 object. Taken, all right. Stop. So at this point, it looks  
3 like -- superficially it looks like I'm done. It looks like  
4 I've got it approved, but in this particular example, there  
5 were additional business logic rules that said, aha, you have a  
6 computer in there. That's a technical thing, so you need  
7 technical approval in addition to manager's approval. Okay,  
8 we'll go get that, too, so back I go as a manager. Continue.

9               Approve technical items, find 911. There it is. Stop.  
10 And so now what I'm going to be approving is the fact that it's  
11 got a computer in there. Continue.

12               Stop. While we're here, we may as well show, to show that  
13 I'm doing the technical approval, we have this item detailed  
14 down here that says it's the Dell computer from Diablo that I'm  
15 approving. So I go back up to approve it.

16 Q           Let me stop you for a second, Doctor, and ask you, we've  
17 been seeing a number -- some of the features that we're going  
18 to be talking about in the claims that were necessary about the  
19 product catalog and selecting product catalogs and doing  
20 comparison shopping using UNSPSC codes.

21               MR. McDONALD: I object to the form, Your Honor.  
22 That wasn't a question.

23 Q           Let me ask this question: This approval process, is this  
24 part of the claimed elements that are being asserted here?

25 A           No.

1 Q Because there's an approval process which is an additional  
2 step or additional feature that's there beyond the claim  
3 elements, does that render a system non-infringing?

4 A No.

5 Q Having this approval process is irrelevant to the analysis  
6 when the jury needs to go back and determine whether or not the  
7 functionality either satisfies a system or method?

8 A That's correct.

9 Q Thank you.

10 A Okay, so we're ready now to do the technical approval.  
11 Continue. So I'll click approval, approval action taken. Work  
12 object dispatched. Stop. Now, you heard me say earlier that  
13 in the purchase order module, there's a program called PO 100  
14 that turns requisitions into purchase orders. So I'm going to  
15 run that program, PO 100, and I'm going to tell it which  
16 requisition to go get. You might -- you may or may not recall  
17 that I said that information gets cached in the system and  
18 retrieved.

19 This is retrieving the requisition data by the purchase  
20 order module, and then we'll see it generate POs. Okay, so now  
21 we're ready to run the PO 100 program. Continue.

22 Stop. So here is the opening screen for the PO 100  
23 program. So I'm going to fill in job name and job description,  
24 I'm going to put in three pieces of information that the system  
25 requires. Here this has -- this part has nothing to do with

1       infringing. This is just how you make the system work, and  
2       then we'll see it -- turn the requisition or choose the  
3       requisition and then we'll see it.

4           We've chosen the requisition, or have we? No, we're about  
5       to because I'm going to give it a name, and then we'll see it  
6       generate POs.

7           So I'll call this job RQ911, give it a name, requisition  
8       number 911. Default delivery is five days. Release the  
9       purchase orders, yes. Choose an option for exception reports.  
10      There are some other boxes that are available. I don't need  
11     any of these. I'll go back to the main tab, and, okay, that's  
12     all I need to do, so I add this. And now I'm ready to submit  
13     it to the system for -- by submit, I mean turn the requisition  
14     into a PO. So I click on submit, give this a submit -- all  
15     right, and stop.

16           Now, this process is actually running what we call in the  
17       background. The foreground is this PO 100 screen, and the  
18       program is running in the background converting the requisition  
19       to a purchase order, so when this was done in realtime, enough  
20       time had elapsed for that process to occur and for a report to  
21       be generated which is the purchase order.

22           So what I'm going to do next is just go look at it,  
23       because it's been created. I just can't see it yet, so  
24       continue. I'm going to go up here to the print manager and  
25       click on that. Stop.

1           So here this print manager keeps copies of the things it  
2 creates, and the very top one on the list is that job that I  
3 just named requisition number 911, and it was operated on by  
4 the PO 100 program. So when I go click on this, I'm going to  
5 reveal the purchase orders that have been created. Continue.

6           Stop. So if you think of this screen and then the  
7 scroll-down menu as a big piece of paper, up here at the top we  
8 have some information like when it was run, and then here we  
9 have information that's important to a purchase order, namely  
10 who is doing the purchasing.

11          So in this case, the buyer is the Metropolis Medical  
12 Center, and it's their -- somewhere in here it will say the  
13 delivery location is main. Well, I don't see that yet. It  
14 doesn't matter. What we're going to do now is scroll down a  
15 bit more. Okay, continue.

16          Move from side to side, there's nothing to the right.  
17 Stop. So here is the first purchase order. Our buyer,  
18 Metropolis Medical Center, we have a vendor, 117. Baxter  
19 Healthcare is that vendor. We have an item number 1036. We  
20 have a description, sterile surgical gloves, size seven. Its  
21 source document was requisition 911. Quantity is one. Unit of  
22 measure is a case, and here's what I was looking for. The  
23 requesting location is main. And then here, the PO has been  
24 released. So this system has created the purchase order and  
25 released it.

1           Now, that's the first of two. So now I'm going to scroll  
2 down some more. Continue. Stop. And here's the second PO.  
3 So it's at the bottom of this conceptual sheet of paper. So,  
4 again, we have the buyer, Metropolis. We have a vendor, number  
5 124 from Diablo. The item number is 6020. The item  
6 description is the Dell Inspiron 8000. It came from the 911  
7 requisition. I'm ordering one of them in unit of measure each,  
8 and I'm delivering it to main.

9           Now, here, for the second PO, it has been released. So  
10 two POs have been created and released, and the report  
11 summarizes two POs created. That's the end.

12 Q       Thank you. Now, Doctor we're going to be going through  
13 some more documents, and we have three more demonstrations to  
14 sort of illustrate the functionality of this accused system.  
15 And at some point, I'm going to be asking you to go through all  
16 12 of these asserted claims for each element under the Court's  
17 claim construction. Are you going to be able to do that for  
18 me?

19 A       Sure.

20 Q       At this point, just keeping the Court's claim terms in  
21 mind, let me just ask you, at a high level with respect to this  
22 demonstration we just saw, and keeping the claim three and  
23 claim 28 we talked about which include that element for  
24 converting, did we see at least two product catalogs?

25 A       Yes, we did.

1 Q Did we see the ability to select those product catalogs to  
2 search?

3 A We did that through the categories.

4 Q Tell me what two product catalogs we saw?

5 A Office Max and Baxter Healthcare.

6 Q Did we also see Dell and Diablo?

7 A Yeah, that's right, we did.

8 Q And was there an ability to select the product catalogs?

9 A Yes, we did it through the categories.

10 Q Was there an ability to search for matching items in those  
11 product catalogs?

12 A We did that.

13 Q How did we do that?

14 A We put in the -- we did the category search by marching  
15 through the UNSPSC codes, picking a commodity and then picking  
16 items.

17 Q Once you had selected those items from the office, from  
18 the shopping cart, were you able to put them into a  
19 requisition?

20 A Yes.

21 Q And did you -- were you able, from that requisition, after  
22 you got the appropriate approvals which are not part of the  
23 claims of the -- elements of claim, excuse me, were you able to  
24 generate one or more purchase orders from that requisition?

25 A Yes, we did.

1 Q And were you able, using the UNSPSC, to find items that  
2 were similar, generally equivalent?

3 A Yes, I converted that ThinkPad into a Dell.

4 Q Thank you. Doctor, I'd like you to take a look at  
5 Plaintiff's Exhibit 280, and can you identify what this  
6 document is?

7 A This is the Lawson Software response to Presbyterian  
8 Healthcare Services.

9 Q So this is another one of those responses to an RFP?

10 A That's correct.

11 Q And what is it dated?

12 A March 22nd, 2005.

13 Q And if you could take a look at the page that begins with  
14 barcode 196, if you would, sir. And here -- which has a Bates  
15 number that ends 848.

16 A Yes, I'm there.

17 Q And here Presbyterian Hospital, in this -- here Lawson, in  
18 this response to the request for proposal from the Presbyterian  
19 Healthcare Services, is asking about requisitioning  
20 capability from Lawson; is that right?

21 A Yes. That's exactly what it says.

22 Q And it says in the requisitioning capability, it's asking  
23 to describe your ordering tools for various types of items,  
24 stock, nonstock, and non-catalogs; do you see that?

25 A Mike, it is below there. There it is.

1 Q Okay. And the response, is that on the next page?

2 A That's on the next page.

3 Q Let me -- okay, let's go to the next page. And in  
4 response to this RFP, this Lawson requisition, is that one of  
5 the modules that you've been describing today?

6 A It is.

7 Q What does it say that the capability is of Lawson  
8 requisitions that Lawson is representing to the Presbyterian  
9 Healthcare Services?

10 A That first paragraph says, Lawson requisitions enables  
11 users to view online catalogs for stock and nonstock items,  
12 select items from the catalog or a template, and add additional  
13 comments to their requisitions.

14 Also, requesters can add non-catalog items such as service  
15 or specials through item free form input. Additionally,  
16 requester can view all previously created requisitions and  
17 status with requisition inquiry.

18 So this tells us that the users can view online catalogs,  
19 they can select items, and they can prepare requisitions.

20 Q And this is using that requisitions module that you  
21 described; is that right?

22 A It is.

23 Q Let me ask you, there's an additional question on this  
24 page where Presbyterian Healthcare Services asks Lawson to  
25 quote, describe your system's ability to establish global

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

6 ePLUS, INC. : Civil Action No.  
7 vs. : 3:09CV620  
8 LAWSON SOFTWARE, INC. : January 7, 2011

11 COMPLETE TRANSCRIPT OF THE JURY TRIAL  
12 BEFORE THE HONORABLE ROBERT E. PAYNE  
13 UNITED STATES DISTRICT JUDGE, AND A JURY

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Weaver - Direct

772

1                   THE COURT: Is that 111 or 11?

2                   MR. ROBERTSON: 11, sir. I may have misspoken.

3                   THE COURT: No, I didn't write it down.

4                   Q Doctor, I'd like to talk to you a little bit now about  
5 what's known as indirect infringement. You are familiar with  
6 that concept?

7                   A Yes.

8                   Q You understand that ePlus is also accusing Lawson of  
9 inducing infringement of the patent claims in this case by  
10 encouraging, aiding, abetting, or assisting its customers to  
11 directly infringe the method claims at issue in this case?

12                  A Yes, I understand that.

13                  Q What evidence have you reviewed with respect to whether or  
14 not Lawson does, in fact, encourage, assist, urge, aid, or abet  
15 its customers to use the Lawson systems in a manner that are  
16 covered by ePlus's claims?

17                  A Well, we saw yesterday that there were training courses  
18 that were being offered. We looked at one which was the notes  
19 for a training session, but there are live training sessions,  
20 there are archived on-line training sessions that you can play  
21 back. There are live training sessions that are using an  
22 interactive tool so that you can watch a training session and  
23 participate in it.

24                  We know from testimony of both the Lawson witnesses and  
25 their customers that Lawson provides consulting services to

Weaver - Direct

773

1 help with things like the data migration that we talked about  
2 moments ago. Lawson maintains a help website where customers  
3 can go to find documents or to get answers to frequently asked  
4 questions.

5 We know that Lawson has partnerships with some companies  
6 that provide multiple vendor catalogs. One of those is the  
7 Global Health Exchange. So this helps their customers find  
8 more items that they might want to purchase, and then as you've  
9 seen already, there's voluminous documentation that Lawson  
10 provided to its customers about how to use its software  
11 products.

12 Q Will they install, build, configure, maintain, and service  
13 those systems?

14 A They will.

15 Q Does Lawson provide on-demand online courses?

16 A Yes, they do.

17 Q Will they perform product simulation training for you?

18 A Yes, they will.

19 Q Do they have interactive webcast training?

20 A Yes, they do.

21 Q Do they provide virtual labs where students can interact  
22 with a simulation system?

23 A Yes, they do.

24 Q Do they offer courses in how to do the electronic  
25 procurement?

WEAVER - DIRECT

817

1 containing data relating to items associated with at  
2 least two vendors maintained so that selected portions  
3 of the database may be searched separately?

4 A Yes, they do.

5 Q And in your opinion by the acts that we have  
6 described does Lawson satisfy that element for  
7 indirect infringement?

8 A Yes.

9 Q Do configurations 2, 3 and 5 have means for  
10 entering product information that at least partially  
11 describes at least one desired item?

12 A Yes, 2, 3 and 5, they do.

13 Q Do 2, 3 and 5 satisfy the element of means for  
14 searching for matching items that matched the entered  
15 product information in the selected portions of the  
16 database?

17 A They do.

18 Q How did we see that?

19 A Because of the user interface that we saw in the  
20 requisition self service.

21 Q And we saw that in your demonstrations?

22 A Sure, we did.

23 Q Do configurations 2, 3 and 5 have means for  
24 generating an order list that includes at least one  
25 matching item selected by said means for searching?

WEAVER - DIRECT

818

1 A They do.

2 Q Is it that RSS module that provides that order  
3 list or shopping cart as you referred to it?

4 A Yes, the RSS is where the shopping cart  
5 functionality resides.

6 Q Do configurations 2, 3 and 5 of the accused Lawson  
7 systems have a means for building a requisition that  
8 uses data obtained from said database related to  
9 selected matching items on said order list?

10 A They do.

11 Q Do configurations 2, 3 and 5 have a means for  
12 processing said requisition to generate purchase  
13 orders for said selected matching items?

14 A They do. We saw that in the demo.

15 Q The searching that's the subject of the means for  
16 searching which permits you to search a database,  
17 selected portions of a database, what evidence did we  
18 see that that was present?

19 A That was the search index that selected only --  
20 that searched only selected portions of the database.

21 Q Now, if Lawson provides such an electronic  
22 sourcing system to its customers and assists them in  
23 implementation, maintenance, servicing and all the  
24 training materials, guides, manuals, online services,  
25 etc., do you have an opinion as to whether or not all

Weaver - Redirect

920

1       is that right?

2       A     It does not contain the term catalog.

3       Q     I just want to have some clarity here if I can, because I  
4       want to make sure I understand it, on what constitutes the  
5       catalogs in the Lawson accused systems, and for this I think we  
6       can talk about all five configurations. So can you tell us,  
7       because I do recall the Judge had a question, so what is it?

8       A     It's the item master and the vendor item table.

9                  THE COURT: So that's a catalog?

10                 THE WITNESS: It contains data from catalogs.

11                 THE COURT: But is that a catalog within the meaning  
12       of the claim construction as you see it?

13                 THE WITNESS: It is a catalog, and it is many  
14       catalogs. It's important that I make clear that it contains  
15       items from many catalogs, in the plural.

16                 THE COURT: All right. And then is there any other  
17       catalog in the Lawson system?

18                 THE WITNESS: No, sir. It has only one database.

19       Q     I guess my question is, do those two tables need to have  
20       item data in them to constitute the catalogs?

21       A     Absolutely.

22       Q     So in addition to those two tables, we need actual data;  
23       correct?

24       A     Oh, yeah. The tables are the repository of the data.

25                  THE COURT: Before you leave that area, I'm confused,

Weaver - Redirect

921

1 and I'd like some clarification. Keeping in mind the Court's  
2 construction of the term catalogs/product catalog, are the  
3 Punchout catalogs also catalogs within the meaning of the claim  
4 construction in your opinion, or are they not?

5 THE WITNESS: They are.

6 THE COURT: So then there are two kinds of catalogs  
7 that we deal with. One is item master plus vendor item table,  
8 and the other is the Punchout catalogs.

9 THE WITNESS: Your Honor, you are correct, and the  
10 point I was trying to make is that the Lawson item master and  
11 vendor item table, which are collectively the database, you  
12 could -- it contains item data from many external catalogs.

13 Q We were referring to that internal catalog that you  
14 indicated is the item master table and the vendor table with  
15 data?

16 A Right.

17 Q As the internal catalog; is that right?

18 A Yes.

19 Q And this Punchout catalog, what's the shorthand we've been  
20 using to refer to those catalogs?

21 A Those are external catalogs.

22 Q And in particular, there was one claim -- I believe it was  
23 dependent claim two in the '516 patent -- which required  
24 catalogs to be stored separate databases; do you recall that?

25 A I have that in front of me.

1 Q So in that claim, what did you find constituting a  
2 separate database?

3 A Those were the separate databases of the external Punchout  
4 sites.

5 Q There was some questions about keyword search. If I  
6 search for a keyword, and it generates a matching item -- will  
7 it generate a matching item for any vendor who is offering  
8 items that match that keyword?

9 A Yes.

10 Q So if I use a keyword laptop, and the Lawson accused  
11 system has ten different catalogs, Dell, Hewlett Packard, IBM,  
12 Sony, that are all selling laptops, what will happen when I hit  
13 the enter button on that search?

14 A The search engine will find all of the items containing  
15 that keyword, display multiple items from multiple vendors.

16 Q So have I searched the catalogs that have any of those  
17 items that match my keyword?

18 A The ones that match the keywords, yes.

19 Q Could claim two also be satisfied by a system having  
20 internal database plus an external Punchout database?

21 A Sure.

22 THE COURT: Is that it?

23 MR. ROBERTSON: That's it, Your Honor. Thank you.

24 THE COURT: Ladies and gentlemen, we're going to take  
25 about a 15-minute recess.